

PATENT

Customer No. 63,432
Attorney Docket No. 09138.0069-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Doug SWEET et al.) Group Art Unit: 1797
Application No.: 10/538,964) Examiner: D. Henkel
Filed: June 14, 2005) Confirmation No.: 5627
For: METHOD AND APPARATUS FOR)
AUTOMATIC STAINING OF)
TISSUE SAMPLES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign documents are attached. FR 2239167, DE 69417908, and ES 2160486 were previously submitted in an Information Disclosure Statement filed on October 12, 2006. In lieu of a concise explanation of relevance of

each document, an English-language Abstract for each of the non-English documents is enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By:

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Dated: March 2, 2009